tent to which this power may be employed without violating the rights guaranteed under the Fourteenth Amendment has never been defined. A statute prohibiting the smoking of opium has been held to be a valid exercise of the police power. *Territory* v. *Ah Lim,* 1 Wash. St. 156, 24 Pac. 588. And in making game laws, an unnaturalized foreign born person may be prohibited from possessing a shot gun. *Patsone* v. *Pennsylvania,* 232 U. S. 138. It has also been held that, under the police power, a state may prohibit the sale of non-intoxicating liquors. *Purety Extract Co.* v. *Lynch,* 226 U. S. 192.

If the public welfare demands the discontinuance of the manufacture or the sale of liquor, the legislature may provide such measures as are necessary to accomplish this end. *Mugler* v. *Kansas,* 123 U. S. 623. But see *Beebe* v. *State,* 6 Ind. 501. Many cases admit that the states may legitimately exercise their police power in prohibiting the sale of liquor without violating any constitutional provision, but deny the right to legislate against his possession. *State* v. *Williams,* 146 N. C. 618, 61 S. E. 61, 17 L. R. A. (N. S.) 99, 14 Ann. Cas. 562. And it has also been held, under somewhat peculiar constitutional provisions, that a statute making it a misdemeanor for one "to keep in his possession for another" spiritous liquor was unconstitutional. *State* v. *Gilman,* 33 W. Va. 146, 10 S. E. 283, 6 L. R. A. 847. The position of the cases allowing the prohibition of the sale, but not of the possession seems untenable; for if the possession of such liquor "can by no possibility injure the health, safety, or morals of the public," logically the sale is equally harmless, for it is merely a transfer of possession. See *Southern Express Co.* v. *Whittle* (Ala.), 69 South. 652; *Easley* v. *Pegg,* 63 S. C. 98, 41 S. E. 18; *Cohen* v. *State,* 7 Ga. App. 5, 65 S. E. 1096; *Mugler* v. *Kansas, supra; Patsone* v. *Pennsylvania, supra.* But as intoxicating liquor is capable of a beneficial as well as a deleterious use it cannot be confiscated without due process of law. BLACK, CONST. LAW, 579. Yet as the state has an interest in the well being of every citizen, it would seem that it would have the power to confiscate liquor, no matter when acquired, which one uses in such a manner as to injure himself, and can make the possession of a certain amount of liquor prima facie evidence of such use; for property must be considered as held subject to the right of a state to exercise its police power.

LOTTERIES—WHAT CONSTITUTES—ADVERTISING SCHEME.—The plaintiff agreed to furnish the defendant with an advertising scheme, and took their note in payment of it. Under the scheme, the contestants were to solicit trade, and each received a coupon having a purchasing value. Each customer was to receive with every purchase a coupon entitling him to a certain number of votes which were to be cast for one of the contestants; and the contestant receiving the greatest number of votes was to get a prize. The notes not having been paid, the plaintiff sued to recover on them, and the defendant pleaded illegality of consideration, alleging that the scheme violated the statute against lotteries. *Held,* the plaintiff cannot recover. *Brenard Mfg. Co.* v. *Benjamin & Sons* (N. C.), 89 S. E. 797.

A lottery may be defined as a scheme by which one pays money or some other thing of value, and in return obtains a contingent right to have something of greater value if an appeal to chance, by lot or otherwise, under the direction of the manager of the scheme, should decide in his favor. BISHOP, STAT. CRIMES, § 952. See *Equitable Loan & Security Co.* v. *Waring,* 117 Ga. 599, 44 S. E. 320, 62 L. R. A. 93, 97 Am. St. Rep. 177. And a gift enterprize may be defined as a scheme for the division or distribution of certain articles of property, to be determined by chance, among those who have taken shares in the scheme. *Lohman* v. *State,* 81 Ind. 15; *City of Winston* v. *Beeson,* 135 N. C. 271, 47 S. E. 457, 65 L. R. A. 167.

The weight of authority holds that there must be some valuable consideration given for the right to a chance, but that there need be no separate consideration for the chance itself. *Equitable Loan & Security Co.* v. *Waring, supra.* See *People* v. *Elliott,* 74 Mich. 264, 41 N. W. 916, 3 L. R. A. 403, 16 Am. St. Rep. 640. But there seems to be no reported case in which it is held that the consideration must be paid in money. Other cases are not so strict in their construction of what constitutes a lottery, and hold that there must be some valuable consideration paid for the chance itself. *Yellowstone Kit* v. *State,* 88 Ala. 196, 7 South. 338, 7 L. R. A. 599, 16 Am. St. Rep. 38. It was held not to be illegal for a dealer to issue coupons of certain values to his customers, entitling them to secure certain other articles in return for the coupons. *State* v. *Shugart,* 138 Ala. 86, 35 South. 28.

The methods used to evade the prohibition of lotteries and gift enterprises are very numerous and ingenious, and hence most of the courts have become exceedingly strict in their construction of what constitutes a lottery. *State* v. *Lipkin,* 169 N. C. 265, 84 S. E. 340, L. R. A. 1915F, 1018. The ingredient of chance is what the law denounces, and in order to eradicate this evil, the courts will look to the substance rather than to the form of the scheme. *State* v. *Lipkin, supra.* So it has been held that where an article is sold upon the installment plan, and certain prizes are offered to the lucky person, the plan is a lottery, even though by paying the remainder of the installments all purchasers may obtain the original article bargained for. *DeFlorin* v. *State,* 121 Ga. 593, 49 S. E. 699, 104 Am. St. Rep. 177; *State* v. *Moren,* 48 Minn. 555, 51 N. W. 618. And where a dealer operated a slot machine which entitled a purchaser to win an article of value in addition to that which he bought, this was held to constitute a lottery. *Meyer* v. *State,* 112 Ga. 20, 37 S. E. 96, 51 L. R. A. 496. The principal case is an illustration of the extreme to which some courts will go; for the result in this case would seem to depend more on the industry of the contestants than on chance.

MARRIAGE—ANNULMENT—PREGNANCY BY ANOTHER.—The plaintiff was induced to marry the defendant upon her representation that she was pregnant by him. Upon ascertaining that her condition was the result of previous improper relations with a third party, the plaintiff sought to have the marriage annulled on the ground of fraud. *Held,* that such marriage cannot be annulled. *Safford* v. *Safford* (Mass.), 113 N. E. 181.